

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Mario Antwan Lloyd,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 1:19-1028-BHH
v.	)	
	)	
Captain Robinson, Deputy Scott,	)	<b><u>ORDER</u></b>
Deputy Tipton, Deputy Roberts,	)	
Deputy McKellar, Deputy Sandova,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court upon Plaintiff Mario Antwan Lloyd's ("Plaintiff" or "Lloyd") pro se complaint alleging violations of his constitutional rights. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(c) (D.S.C.), the matter was referred to a United States Magistrate Judge for initial review.

On June 3, 2019, Magistrate Judge Shiva V. Hodges filed a Report and Recommendation ("Report") outlining the issues and recommending that the Court dismiss this action with prejudice and without issuance and service of process based on Plaintiff's failure to state any plausible claims against Defendants. Attached to the Report was a notice advising Petitioner of his right to file written objections to the Report within fourteen days of being served with a copy.

On June 20, 2019, Plaintiff filed an unsigned, one-page letter "to let the Court [know] I don't have the law work or case law to fight this case [here] at SACDC." (ECF No. 17 at 1.) Importantly, nowhere in this letter does Plaintiff refer to the Magistrate Judge's Report or file any specific objections to the Magistrate Judge's findings and recommendations.

The Magistrate Judge makes only a recommendation to the Court. The

recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because Plaintiff has not filed any specific objections to the Magistrate Judge’s Report, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge that this action is subject to dismissal based on Plaintiff’s failure to allege sufficient facts to state any plausible claims against Defendants.

Accordingly, the Court hereby adopts the Magistrate Judge’s Report (ECF No. 15) and incorporates it herein, and the Court dismisses Plaintiff’s amended complaint with prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

/s/Bruce H. Hendricks  
The Honorable Bruce Howe Hendricks  
United States District Judge

June 26, 2019  
Charleston, South Carolina

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**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that any right to appeal this order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.